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09/589,511	06/08/2000	HIROSHI AOKI	WN-2164	1281

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EXAMINER

RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 12/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/589,511

Applicant(s)

AOKI, HIROSHI

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/29/2003 have been fully considered but they are not persuasive. On pages 11-14 of the Response, Applicant argues, with respect to claim 1, that Pasternak does not disclose a variety of limitations found in the claim, such as assigning the VPI/VCI to individual base stations. Examiner agrees that Pasternak does not teach all of the limitations of claim 1, which is why the rejection of claim 1 is based on a combination of Applicant's admitted prior art and Pasternak. Applicant's admitted prior art discloses all of the limitations of claim 1, except means for making the first means become a reset state when said first means continues to abandon said transmission message signal during a predetermined time duration; however, Applicant's prior art does teaches manually resetting a connection when no traffic is received on the connection due to transmission errors during set-up. Pasternak teaches automatically removing a connection when no traffic is received on the connection during a predetermined time duration in order to allow automatic updating in a device. Thus the combination of Applicant's admitted prior art and Pasternak teach all of the limitations of claim

1. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Thus, Examiner maintains the rejections of claims 1-6.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Pasternak et al (USPN 5,648,969).

5. Regarding claim 1, Applicant admits as prior art a mobile radio system comprising: a base station control apparatus (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23); and first through N-th radio base stations, the base station control apparatus for controlling the first through N-th radio base stations each of which is connected to said base station control apparatus, where N represents a positive integer which is greater than one (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), said base station control apparatus transmitting first through N-th individual identifiers as first through N-th station

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identifiers to said first through said N-th radio base stations to allocate said first through said N-th individual identifiers to said first through said N-th radio base stations, respectively, on a start-up sequence of each of said first through said N-th radio base stations (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), said base station control apparatus transmitting a transmission message signal having an n-th individual identifier as a transmission individual identifier to an n-th radio base station to carry out a link connection between said base station control apparatus and said n-th radio base station, where n is a variable between one and N, both inclusive (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), wherein said n-th radio base station stations comprises: first means for comparing said transmission individual identifier with said n-th station identifier to abandon said transmission message signal when said transmission individual identifier is not coincident with said n-th station identifier (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23).

Applicant does not admit as prior art having the n-th radio base stations comprise second means for making the first means become a reset state when said first means continues to abandon said transmission message signal during a predetermined time duration. Pasternak teaches, in a radio system using ATM connections, having a VCI/VPI table capable of automatic updating that contains a predetermined time duration (time stamp) which is used to time-out connections on which traffic is not received (col. 6, line 35-54). Applicant's prior art teaches manually resetting a connection when no traffic is received on the connection due to transmission errors during set-up (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23). Pasternak teaches automatically removing a connection when no traffic is received on the connection during a predetermined time duration in order to allow automatic updating in a device. It would have been

obvious to one of ordinary skill in the art at the time of the invention to have second means for making the first means become a reset state when said first means continues to abandon said transmission message signal during a predetermined time duration in order to allow a device to automatically reset (update) its connections.

6. Regarding claim 2, referring to claim 1, Applicant's admitted prior art in view of Pasternak discloses that the base station control apparatus is connected to each of said first through said N-th radio base stations by an ATM fashion (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23 and Pasternak: col. 6, line 35-54).

7. Regarding claim 3, referring to claim 2, Applicant's admitted prior art in view of Pasternak discloses that the transmission individual identifier is transmitted in VPI/VCI of an ATM cell from said base station control apparatus to said n-th radio base station (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23 and Pasternak: col. 6, line 35-54).

8. Regarding claim 4, referring to claim 3, Applicant's admitted prior art in view of Pasternak discloses that the base station control apparatus again carries out said start-up sequence of said n-th radio base station when said second means makes said first means become said reset state in said n-th radio base station (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23 and Pasternak: col. 6, line 35-54).

9. Regarding claim 5, referring to claim 3, Applicant's admitted prior art in view of Pasternak discloses that the first means produces an error to indicate said error when said transmission individual identifier is not coincident with said n-th station identifier (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23).

10. Regarding claim 6, referring to claim 3, Applicant's admitted prior art in view of Pasternak discloses that the first means comprises a VPI/VCI filter for filtering said transmission message signal to obtain said transmission individual identifier from said transmission message signal, said VPI/VCI filter judging whether or not said transmission individual identifier is coincident with said n-th station identifier (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23).

11. Regarding claim 7, Applicant admits as prior art a mobile radio system, comprising: a base station control apparatus (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23); and plural radio base stations connected in an ATM fashion to the base station control apparatus (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), the base station control apparatus, at start-up, configured to assign an individual VPI/VCI value to each radio base station (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), the base station control apparatus configured to transmit a message signal comprising a transmitted VPI/VCI value as part of the transmitted message signal to a selected base station (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), each radio base station comprising a central processing unit and an ATM data reception section for filtering the transmitted message signal based on the transmitted VPI/VCI value so that the selected base station, upon receipt of the transmitted message signal, compares the transmitted VPI/VCI value within the transmitted message signal to the individual VPI/VCI value assigned to the selected base station (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), wherein, when the transmitted VPI/VCI value is coincident with the individual VPI/VCI value, the message is accepted and when the transmitted VPI/VCI value is non-coincident with the individual VPI/VCI value, the

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message is abandoned and an error state is indicated by the central processing unit (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23). Applicant does not admit as prior art having, after the error state continues for a predetermined time duration, the central processing unit reset the ATM data reception section to place the individual VPI/VCI value to a no-set condition. Pasternak teaches, in a radio system using ATM connections, having a VCI/VPI table capable of automatic updating that contains a predetermined time duration (time stamp) which is used to time-out connections on which traffic is not received (col. 6, line 35-54). Applicant's prior art teaches manually placing a connection in a no-set condition when traffic is not received on the connection due to transmission errors during set-up (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23). Pasternak teaches automatically removing a connection when no traffic is received on the connection during a predetermined time duration in order to allow automatic updating in a device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have, after the error state continues for a predetermined time duration, the central processing unit reset the ATM data reception section to place the individual VPI/VCI value to a no-set condition in order to allow a device to automatically reset (update) its connections.

12. Regarding claim 8, referring to claim 7, Applicant's admitted prior art in view of Pasternak discloses that after the error state continues for a predetermined time duration and the central processing unit resets the ATM data reception section to place the individual VPI/VCI value to a no-set condition, the base station control apparatus transmits an allocation signal with the individual VPI/VCI value to the selected radio base station (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23 and Pasternak: col. 6, line 35-54).

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13. Regarding claim 9, Applicant admits as prior art a mobile radio system, comprising: a base station control system and plural radio base stations (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), the base station including means for assigning individual station identifiers to each radio base station (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), and means for transmitting a message comprising a transmitted VPI/VCI value to a selected radio base station (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), the selected radio base station comprising means for comparing the individual station identifier assigned to the selected radio base station with the transmitted VPI/VCI value (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23), wherein, when the assigned individual station identifier coincides with the transmitted VPI/VCI value, the message is accepted (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23) and when the assigned individual station identifier is different from the transmitted VPI/VCI value, the message is abandoned and an error state is initiated (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23). Applicant does not admit as prior art having the selected base station further comprise means for resetting the individual VPI/VCI value at the selected radio base station to a no-set condition, upon the error state continuing past a predetermined time duration. Pasternak teaches, in a radio system using ATM connections, having a VCI/VPI table capable of automatic updating that contains a predetermined time duration (time stamp) which is used to time-out connections on which traffic is not received (col. 6, line 35-54). Applicant's prior art teaches manually placing a connection in a no-set condition when traffic is not received on the connection due to transmission errors during set-up (Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23). Pasternak teaches automatically removing a connection when

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no traffic is received on the connection during a predetermined time duration in order to allow automatic updating in a device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the selected base station further comprise means for resetting the individual VPI/VCI value at the selected radio base station to a no-set condition, upon the error state continuing past a predetermined time duration in order to allow a device to automatically reset (update) its connections.

14. Regarding claim 10, referring to claim 9, Applicant's admitted prior art in view of Pasternak discloses that the plural radio base stations are connected to the base station control apparatus in an ATM fashion, the base station control apparatus, at start-up, transmits the individual VPI/VCI value to each radio base station, each radio base station comprises a central processing unit connected to an ATM data reception section, when the message is abandoned the error state is initiated by the central processing unit, and the central processing unit provides the reset of the individual VPI/VCI value, upon the error state continuing past the predetermined time duration, to place the individual VPI/VCI value to the no-set condition (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23 and Pasternak: col. 6, line 35-54).

15. Regarding claim 11, referring to claim 10, Applicant's admitted prior art in view of Pasternak discloses that upon the error state continues past the predetermined time duration and the central processing unit resets the ATM data reception section to place the individual VPI/VCI value to a no-set condition, the base station control apparatus is triggered to transmit an allocation signal with the individual VPI/VCI value to the selected radio base station to change

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the no-set condition to the individual VPI/VCI value (Applicant: Fig. 1; page 1, line 1-page 3, line 14; and page 4, line 6-page 5, line 23 and Pasternak: col. 6, line 35-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DTT
Daniel J. Ryman


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